

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRW VEHICLE SAFETY SYSTEMS INC. and)
TRW AUTOMOTIVE GMBH,)
)
Plaintiffs,)
)
v.) C.A. No. 08-268-GMS
)
TAKATA CORPORATION, TK HOLDINGS, INC.,)
and TAKATA-PETRI AG,)
)
Defendants.)

**DEFENDANT TK HOLDINGS INC.'S MOTION TO DISMISS
UNDER FED. R. CIV. P. 12(b)(6) OR, IN THE ALTERNATIVE, FOR A
MORE DEFINITE STATEMENT UNDER FED. R. CIV. P. 12(e)**

Defendant TK Holdings Inc. ("TK Holdings") hereby respectfully moves, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the amended complaint on the grounds that TRW Vehicle Safety Systems Inc. and TRW Automotive GmbH (collectively "TRW") have (1) failed to satisfy even the liberal pleading requirements of Fed. R. Civ. P. 8 in pleading its direct infringement claims and (2) has failed to adequately plead all required elements for its induced infringement and willful infringement claims.

In the alternative, TK Holdings respectfully moves, pursuant to Rule 12(e) of the Federal Rules of Civil Procedure, for an order directing TRW to provide a more definite statement of its infringement allegations.

The basis for the requested relief is fully set forth in TK Holdings accompanying memorandum of law. For the Court's convenience, a proposed form of order is attached hereto.

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/s/ Tiffany Geyer Lydon

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Dated: July 3, 2008

Attorneys for Defendant TK Holdings, Inc.

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ORDER

This ____ day of _____, 2008, Defendant TK Holdings Inc. having moved for an Order dismissing Plaintiffs' Amended Complaint under Fed. R. Civ. P. 12(b)(6) or, in the alternative, for a more definite statement under Fed. R. Civ. P. 12(e), and the Court after considering the motion having concluded that good grounds exist for the requested relief, now therefore,

IT IS HEREBY ORDERED that Defendant's motion is granted and the Amended Complaint is hereby dismissed pursuant to Fed. R. Civ. P. 12(b)(6)
or, in the alternative,

IT IS HEREBY ORDERED that Defendant's motion is granted and Plaintiffs' induced and willful infringement claims are dismissed pursuant to Fed. R. Civ. P. 12(b)(6) and Plaintiffs are hereby ordered to amend their infringement claims as follows:

1. For each defendant, Plaintiffs must identify the patent(s) that defendant is alleged to infringe and identify whether the infringement is direct or indirect.

2. For each patent identified in part (1) that is alleged to be directly infringed by a particular defendant, Plaintiffs shall identify at least one accused product that is made, used, sold, offered for sale or imported by that particular defendant;
3. For each patent identified in part (1) that is alleged to be indirectly infringed by a particular defendant, Plaintiffs shall identify the direct infringer and allege facts supporting Plaintiffs' induced infringement claims against that particular defendant;
4. For each asserted patent that is alleged to have been willfully infringed, Plaintiffs shall identify the date when each particular defendant is alleged to have known of the asserted patent.

Chief Judge